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VIA FACSIMILE & MAIL

January 15, 2008

Hon. Charles L. Brieant, U.S.D.J.
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601re: Farganis v. Barnett et al
07 Civ. 11490 (CLB)(GAY)

Dear Judge Briant:

MEMO
Application granted with the
claim of the Town of Montgomery
for this USDC, this case is
being consolidated with
06 Civ. 5238 (B.A.) and thereby
transferred to this
court.
for order
Jan 17, 2008
USDC

This firm represents plaintiff Peggy Farganis, who was arrested on March 18, 2005 for allegedly endangering welfare of a child after her child released himself from his seatbelt, opened the door of the car Ms. Farganis was driving and fell out. After a bench trial on November 15, 2007, Ms. Farganis was acquitted of all charges. The instant suit claims false arrest and malicious prosecution.

In 2006, plaintiff filed Farganis v. Town of Montgomery et al, 06 Civ. 5238, alleging discrimination on the basis of her disability by Montgomery police officers when they arrested her on March 18, 2005. Ms. Farganis suffers from multiple sclerosis. Upon consent of the parties, that case was assigned to Magistrate Yanthis for all purposes.

During a conference call in December 2007 with Judge Yanthis and Harold Moroknek, Esq., counsel for defendants, I requested leave to amend the complaint to add the false arrest and malicious prosecution claims, in light of Ms. Farganis' recent acquittal. Mr. Moroknek opposed amending the complaint. Judge Yanthis suggested a briefing schedule for a Motion to Amend that brought us close to the 3-year statute of limitations to file a complaint pursuant to 42 U.S.C. §1983. Instead, I advised Judge Yanthis and Mr. Moroknek that I would file a new complaint as a related case.

Both cases arise out of the same facts, i.e. Ms. Farganis' arrest on March 18, 2005 and the defendants in the instant case are defendants in the former case. Therefore, the instant case was assigned to Your Honor as a related case to the 2006 case, now before Judge Yanthis.

The purpose of this letter is to request that the Court consolidate the instant case with Farganis, 06 Civ. 5238, in the interest of judicial efficiency. By doing so, the Court will not prejudice the defendants in any way as the facts underlying both cases are identical and discovery is substantially completed in the 2006 case. Therefore, consolidation is the most efficient way to proceed.

Thank you for your consideration in this matter.

Sincerely,



Helen G. Ullrich

cc: Hon. George A. Yanthis, U.S.M.J.
Harold Moroknek, Esq.